RARY
COURT, U. S.

75-435

Supreme Court, U. S.
FILED
NOV 17 1975
MICHAEL RODAK, JR., CLERK

IN THE

Supreme Court of the United States

OCTOBER TERM, 1975

No. [redacted]

THE CESSNA AIRCRAFT COMPANY, et al.,

vs.

WHITE INDUSTRIES, INC., et al.,

PETITION FOR REHEARING FOR A WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE EIGHTH CIRCUIT

DON H. REUBEN
E. HOUSTON HARSHA
GARY M. ELDEN
KIRKLAND & ELLIS
200 East Randolph Drive
Chicago, Illinois 60601
(312) 861-2000

Attorneys for Defendants-Petitioners The Cessna Aircraft Company, Cessna Finance Corporation, Pennant Aviation, Inc., Dwane Wallace, Delbert L. Roskam, Robert P. Bauer, Edward B. Chase, and Harold Gorrell

Midwest Law Printing Co., Chicago 60601, Financial 6-3988

IN THE

Supreme Court of the United States

OCTOBER TERM, 1975

No. 75-1745

THE CESSNA AIRCRAFT COMPANY, et al.,

vs.

WHITE INDUSTRIES, INC., et al.,

PETITION FOR REHEARING FOR A WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE EIGHTH CIRCUIT

Subsequent to the filing of the certiorari petition in the instant case, two other certiorari petitions were filed raising exactly the same issue: *Topsy's International, Inc. et al.* v. *Seiffer,* No. 75-574 (from the Tenth Circuit) and *Touche Ross & Co., et al.* v. *Fabrikant et al.,* No. 75-537 (from the Ninth Circuit). We file this petition for rehearing because,

if either of the above certiorari petitions are granted, we would respectfully urge the Court to grant the instant petition also and perhaps to consolidate the cases for further proceedings. The question involved in all these cases is a frequently recurring question of federal appellate practice which can only be resolved by the Court and which will necessarily result in numerous appeals and certiorari petitions until it is finally resolved.

Respectfully submitted,

DON H. REUBEN
E. HOUSTON HARSHA
GARY M. ELDEN

KIRKLAND & ELLIS
200 East Randolph Drive
Chicago, Illinois 60601
(312) 861-2000

Attorneys for Defendants-Petitioners The Cessna Aircraft Company, Cessna Finance Corporation, Pennant Aviation, Inc., Dwane Wallace, Delbert L. Roskam, Robert P. Bauer, Edward B. Chase, and Harold Gorrell